

REMARKS

Reconsideration of the present application, as amended, is respectfully requested. Claim 28 has been amended. Claim 33 has been canceled and claims 35-36 have been added. As such, claims 28-32 and 34-36 remain pending in the present application.

Claims 28, 29, 31, and 32 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,912,544 to Miyakawa et al. ("Miyakawa"). Claim 28 recites, in part, that "the processor further determines whether the battery is capable of at least one of receiving and transmitting additional information based on the resistance in the battery."

In contrast, Miyakawa teaches calculating the remaining battery power based on information stored in the memory, such as temperature values, threshold values, and the type of battery. For example, discharge characteristics of two types of batteries are converted into data and the resultant data is previously stored in predetermined memory areas. The microcomputer reads out from the predetermined memory areas of the memory unit the predetermined discharge characteristic data. *See* Miyakawa, col. 10, lines 20-22. The microcomputer carries out the indication of a remaining power of the battery utilizing the discharge characteristics corresponding to the type of battery integrated into the radio apparatus. *See* Miyakawa, col. 10, lines 26-31. Miyakawa does not appear to teach determining whether the battery is capable of communicating as there is no need for the battery to communicate information to the microcomputer. All necessary information is read from the memory areas of the memory unit. Applicants respectfully submit that claim 28, as amended, distinguishes over Miyakawa and request that the §102 rejection of claim 28 be withdrawn.

Claim 31 recites, in part, the features of "a current source providing a current value" and "a processor configured to calculate a resistance in the battery responsive to the current value and a voltage drop value at an input to the electronic device."

In contrast, Miyakawa does not teach or suggest a current source or a current value. As such, Miyakawa cannot further teach calculating a resistance in the battery responsive to the current value and a voltage drop value as recited in claim 31. Miyakawa instead teaches that the current consumption is largely changed depending on the operation mode, errors occur in the indication of the remaining battery power. *See* Miyakawa, col. 3, line 67 - col. 4, line 8.

Applicants submit that claim 31 distinguishes over Miyakawa and further that Miyakawa teaches away from the current source and current value recited in claim 31. Applicants respectfully request that the §102 rejection of claim 31 be withdrawn.

Claims 29 and 32 are directly dependent from one of claims 28 and 31 and should distinguish over Miyakawa for at least the same reasons as stated above. Applicants respectfully request that the §102 rejection of claims 29 and 32 be withdrawn.

Claims 30 and 34 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 34 and 35 of U.S. Patent Application Serial No. 09/238007. In response, Applicants hereby submit a Terminal Disclaimer. Applicants respectfully request that the provisional rejection of claims 30 and 34 be withdrawn.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Dated: 9/21/04

Respectfully submitted,

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